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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,873	04/27/2001	R. Rao Koganty	042881/0156	7911
1444	7590	10/05/2004	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			WESSENDORF, TERESA D	
		ART UNIT	PAPER NUMBER	1639

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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EXAMINER

ART UNIT      PAPER

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Commissioner for Patents

Sree attached.

T. D. Wessendorf  
Primary Examiner  
Art Unit: 1639

**DETAILED ACTION**

***Response to Amendment***

The reply filed on 6/17/04 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the traversal of the species restriction made on 7/29/03 is improper. The reply of 10/29/03 with respect to the species restriction of 7/29/03 did not traverse the species election/restriction. Since applicants have already received an action on the merits for the originally presented species, hence, the non-elected species have been withdrawn from consideration. Accordingly, claims 16, 23, 24, 25, 28-31 (corresponding to the original claims 16, 23-25 and 28-31, respectively) were withdrawn from consideration as being directed to a non-elected species.

Note the restriction was made under the species restriction simply to differentiate the structurally different peptides (which actually are subgenus of the claimed peptide). A tandem repeat peptide, which contains two or more, repeating amino acids are structurally different from the elected D-amino acids. D-amino acids or cyclic peptides are not tandem repeats. Thus, the amendment to the claims filed on 6/17/04 does not comply with the requirements of 37 CFR 1.121(c) because these claims which have been withdrawn from consideration do not have the

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correct status identifiers i.e., withdrawn instead of currently amended.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. D. Wessendorf whose telephone number is (571) 272-0812. The examiner can normally be reached on Flexitime.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang can be reached on (571) 272-0811. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*T. D. W*  
T. D. Wessendorf  
Primary Examiner  
Art Unit 1639

Tdw

October 1, 2004